

Remarks

Claims 1-63 are pending in the application and stand rejected.

Claim rejections

Section 102

Claims 1-5, 8-13, 16-32 and 36-61 were rejected under 35 USC 102(e) as being anticipated by Myers (US App. Pub. No. 2004/0254816). The Applicant respectfully traverses. As to claim 1, Myers does not support the asserted rejection for at least the reason that Myers does not disclose "... transmitting a dialing signal *from the remote control device toward the mobile communication device* based on the dialing request, the dialing signal instructing the mobile communication device to access the network-based communication service" (emphasis added) as recited.

The Examiner equates local processing devices 101 and 102 of Myers with claim 1's remote control device, and wireless communication device 161 of Myers with claim 1's mobile communication device. The Examiner cites paragraphs FIG. 1C and paragraphs [0114] and [0115] of Myers. The Applicant respectfully disagrees with the Examiner's interpretation of Myers. Local processing devices 101 and 102, and wireless communication device 161 do not correspond with claim 1's remote control device and mobile communication device, respectively, for at least the reason that the directionality of communication in Myers is the reverse of that recited in claim 1. In Myers, wireless communication device 161 is used to send information to local processing devices 101 and 102, not the other way around. See, e.g., Myers at paragraph [0108] (first sentence): "Still further, the service provider's office location or service facility may include its own wireless subsystem with which the wireless communication device 161 would communicate over the wireless resource 163 *to provide information to a centrally-located local processing device 101, 102*" (emphasis added). See also, e.g., paragraph [0113] (first and second sentences): "In accordance with the invention ... the physician accesses either a local processing device 101 ... or a wireless communication device 161 which the physician carries with him or her ... The physician *instructs the local processing device 101* to execute software ..." (emphasis added). In other words, information flows from the wireless communication device 161

to the local processing device 101. There is no disclosure that the local processing device 101 ever transmits a dialing signal toward the wireless communication device 161.

Accordingly, claim 1 is allowable over Myers. Claim 2-5, 8-13 and 16-22 depend on claim 1 and are therefore likewise allowable over Myers for at least the reasons discussed in connection with claim 1.

Independent claim 23 recites "receiving a dialing signal *from a remote control device* at a mobile communication device ..." (emphasis added). Along lines discussed above, the local processing devices 101 and 102 and wireless communication device 161 of Myers do not have the claimed relationship. Accordingly, claim 23 is allowable over Myers. Claims 24-32 depend on claim 23 and are therefore likewise allowable over Myers for at least the reasons discussed in connection with claim 23.

Independent claim 36 recites "... the remote communication module to transmit a dialing signal *toward a mobile communication device* ..." (emphasis added). As discussed above, Myers does not disclose the claimed relationship. Claims 37-43 depend on claim 36 and are therefore likewise allowable over Myers for at least the reasons discussed in connection with claim 36.

Independent claim 44 recites "... the phone communication module to receive, *from a remote control device* ..." (emphasis added). As discussed above, Myers does not disclose the claimed relationship. Claims 45-51 depend on claim 44 and are therefore likewise allowable over Myers for at least the reasons discussed in connection with claim 44.

Independent claim 52 is an article of manufacture claim whose recitations substantially parallel those of claim 1. Claim 52 and claim 53 dependent thereon are therefore likewise allowable over Myers.

Independent claim 54 is an article of manufacture claim whose recitations substantially parallel those of claim 23. Claim 54 and claim 55 dependent thereon are therefore likewise allowable over Myers.

Independent claim 56 recites "... receiving a call from a mobile communication device, the call being initiated by user input to a remote control device, *the remote control device generating a dialing request to the mobile communication device* ..."

(emphasis added). As discussed above, Myers does not disclose the claimed relationship. Claim 56 and claims 57-63 dependent thereon are therefore allowable over Myers.

In light of the foregoing discussion, withdrawal of the rejection of claims 1-5, 8-13, 16-32 and 36-61 as being anticipated by Myers is respectfully requested.

Section 103

Claims 6, 7, 62 and 63 were rejected under 35 USC 103(a) as being unpatentable over Myers in view of Cheung (US App. Pub. No. 2004/0024647). The Applicant respectfully traverses. Claims 6 and 7 depend on claim 1, and claims 62 and 63 depend on claim 56. Claims 1 and 56 are allowable over Myers as discussed previously, and Cheung does not cure deficiencies in Myers with respect to claims 1 and 56. For example, Cheung is similarly silent concerning "transmitting a dialing signal from the remote control device toward the mobile communication device based on the dialing request, the dialing signal instructing the mobile communication device to access the network-based communication service" as recited in claim 1, and "... receiving a call from a mobile communication device, the call being initiated by user input to a remote control device, the remote control device generating a dialing request to the mobile communication device ..." as recited in claim 56. Claims 1 and 56 are therefore allowable over the combination of Myers and Cheung. Accordingly, claim 6, 7, 62 and 63 are likewise allowable over Myers and Cheung for at least the reasons discussed in connection with claims 1 and 56. Withdrawal of the rejection of claims 6, 7, 62 and 63 as being unpatentable over Myers and Cheung is therefore respectfully requested.

Claims 14, 15 and 33-35 were rejected under 35 USC 103(a) as being unpatentable over Myers in view of Manssen (US 5,878,209). The Applicant respectfully traverses. Claims 14 and 15 depend on claim 1, and claims 34 and 35 depend on claim 33. Independent claim 33 recites " ... transmitting a dialing signal *from the remote control device toward a mobile communication device* based on the dialing request, the dialing signal including the telephone number and instructing the mobile communication device to access the network-based communication service ..."

(emphasis added). Along lines discussed previously, Myers does not suggest the claimed relationship, and Manssen does not cure the latter deficiency in Myers. Therefore, claims 1 and 33 are allowable over Myers and Manssen. Accordingly, claims 14, 15, 34 and 35 are likewise allowable over Myers and Manssen for at least the reasons discussed in connection with claims 1 and 33. Withdrawal of the rejection of claims 14, 15 and 33-35 as being unpatentable over Myers and Manssen is therefore respectfully requested.


Conclusion

In light of the above discussion, Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: SEP. 6, 2005

By: 
William E. Curry
Reg. No. 43,572

KENYON & KENYON
1500 K Street, N.W., Suite 700
Washington, D.C. 20005
Tel: (202) 220-4200
Fax: (202) 220-4201